

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JM HOLDINGS 1 LLC and CEDAR HOLDINGS, LLC,

Plaintiffs,

v.

QUARTERS HOLDING GmbH,

Defendant.  
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Case No. 1:20-cv-03480 (JPO)

**NOTICE OF MOTION TO  
DISMISS**

**PLEASE TAKE NOTICE**, that upon the Declaration of Barbara Albert, dated May 21, 2020 and the exhibits annexed thereto, the accompanying Memorandum of Law, dated May 22, 2020, and all prior pleadings and proceedings in this case, Defendant Quarters Holding GmbH, by and through their undersigned counsel, hereby move this Court before the Honorable J. Paul Oetken, at the United States Courthouse, 40 Foley Square, Courtroom 706, New York, New York, 10007, for an order (i) dismissing the Complaint in its entirety, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6); (ii) dismissing the Complaint for failure to join necessary parties pursuant to Federal Rule of Civil Procedure 12(b)(7), or alternatively requiring joinder of Roth Innovations LLC, LPC Properties LLC, and Medici 251 DeKalb LLC; and (iii) granting Defendant such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that Plaintiffs' opposition, if any, must be served within fourteen (14) days in accordance with Local Rule 6.1(b) of the United States District Court of the Southern District of New York.

**PLEASE TAKE FURTHER NOTICE**, that Defendant's reply papers, if any, must be served within seven (7) days of service of Plaintiffs' opposition papers or otherwise in accordance with applicable law.

Dated: New York, New York

May 22, 2020

AKERMAN LLP

By: /s/ Joshua D. Bernstein

Joshua D. Bernstein

Kathleen M. Prystowsky

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*Counsel for Defendant Quarters Holding GmbH*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to the following parties:

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/s/ Joshua D. Bernstein

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